

B' Gazette 12/29/2017

# Montana's 'endangered access' isn't

Access to the Crazy Mountains is back in the news, this time stimulated by a digital report titled "Losing Ground: Montana's Endangered Access." If you are expecting a report with detailed maps and statistics, you will be disappointed. In fact you might call it a "fake report."

It lists the "top five endangered places," with the Crazy Mountains getting the No. 1 one ranking because "extremely limited access prohibits many families from hiking, viewing wildlife, and biking this special place."

Then it shows a touching, but also fake, 34-second video of a family walking through the woods only to be denied access by orange paint and a "No Trespassing" sign. There is no trail or road, only a gate to private property.

The only statistic comes from a 2013 report prepared by the Center for Western Priorities claiming 2 million acres in Montana are inaccessible to the public. Even this statistic is misleading because it includes national parks, state lands, and even military bases where access is limited by federal agencies. Indeed, a 2015-16 report from the Environmental Quality Council prepared for the Montana Legislature finds that only 1 percent of Forest Service land—148,000 acres—in Montana is inaccessible.

In the other "endangered" areas—Upper Missouri Breaks National Monument, Flint Creek Mountains, Bear Paw Mountains, and McGregor Lake—the issue is private road closures.

But if you want to point

at road closures cutting off access to public lands, there is no bigger threat than the U.S. Forest Service that has closed nearly 22,000 miles of roads since the mid-1990s.

A simple way to quantify trail access is the number of official trailheads per square mile.

For the "most endangered" Crazies, the Gallatin Custer National Forest Service map shows 13 official trailheads amounting to one trailhead for every 46 square miles (30,000) acres. In contrast, the Bridger Range has 17 designated trailheads amounting to one for every 69 square miles. By this measure, the Bridgers should be listed as more "endangered" than the Crazies. "Losing Ground" says Trail 122 (Sweet Grass Creek) is "now inaccessible." In fact, that trail is accessed via a private road, privately maintained, where anyone desiring access can park on and hike across two miles of private land to access public land. You must sign in on a private log saying where you are going and how long you plan to stay, but it is accessible. The report also claims that "Lowline and Elk Creek Trails" are inaccessible. The Lowline Trail traverses seven sections of land, of which only two are Forest Service sandwiched between private, and it has never had documented historic access. The Elk Creek trail is accessible with permission from the landowner.

Simply giving a number to a trail and claiming historic use does not guarantee legal access. A map on the wall of the Yellowstone District Forest Service Office in Livingston marks six trails in the Crazies with notes saying, "disputed." This means that access rights are in question.

The groups that complain about a lack of public access

also advocate more wilderness, but more access in the small mountain chains will only reduce the wilderness experience. All of the disputed Crazy Mountain trails are easily accessible from nearby trailheads begging the question—how much access is enough?

The "Losing Ground" report also claims that the "lack of public access creates severe problems managing the elk herd" in the Crazies, citing an elk population of 4,800 in Hunting District 580 on the east side. Like almost every hunting district, this population exceeds FWP management objectives—975 in Hunting District 580. Opening access to the steep public lands in the Crazies will do nothing to reduce elk populations. More cow hunting on private land is necessary and that will only come with cooperation between landowners and FWP, not with litigious recommendations in the report.

The Forest Service is working with groups such as the Crazy Mountain Stockgrowers and Rocky Mountain Elk Foundation and with private landowners to resolve the disputed trails. One of those landowners says it's the "most cooperation I've seen in 15 years."

Rather than trying to force access down the throats of private landowners, Montana Wildlife Federation and its comrades might try to find win-win solutions. In short, how about respecting private property and using good old fashion Montana neighborliness.

Terry Anderson is a senior fellow at Stanford University's Hoover Institution and at the Property and Environment Research Center in Bozeman.



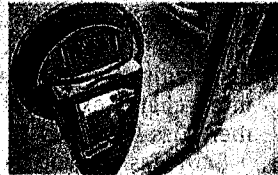
TERRY ANDERSON



# Billings Gazette

## The final ride

Bull rider Beau Hill ready to call it a career – maybe **SPORTS PAGE B1**



## Problem

Downtown can take cr

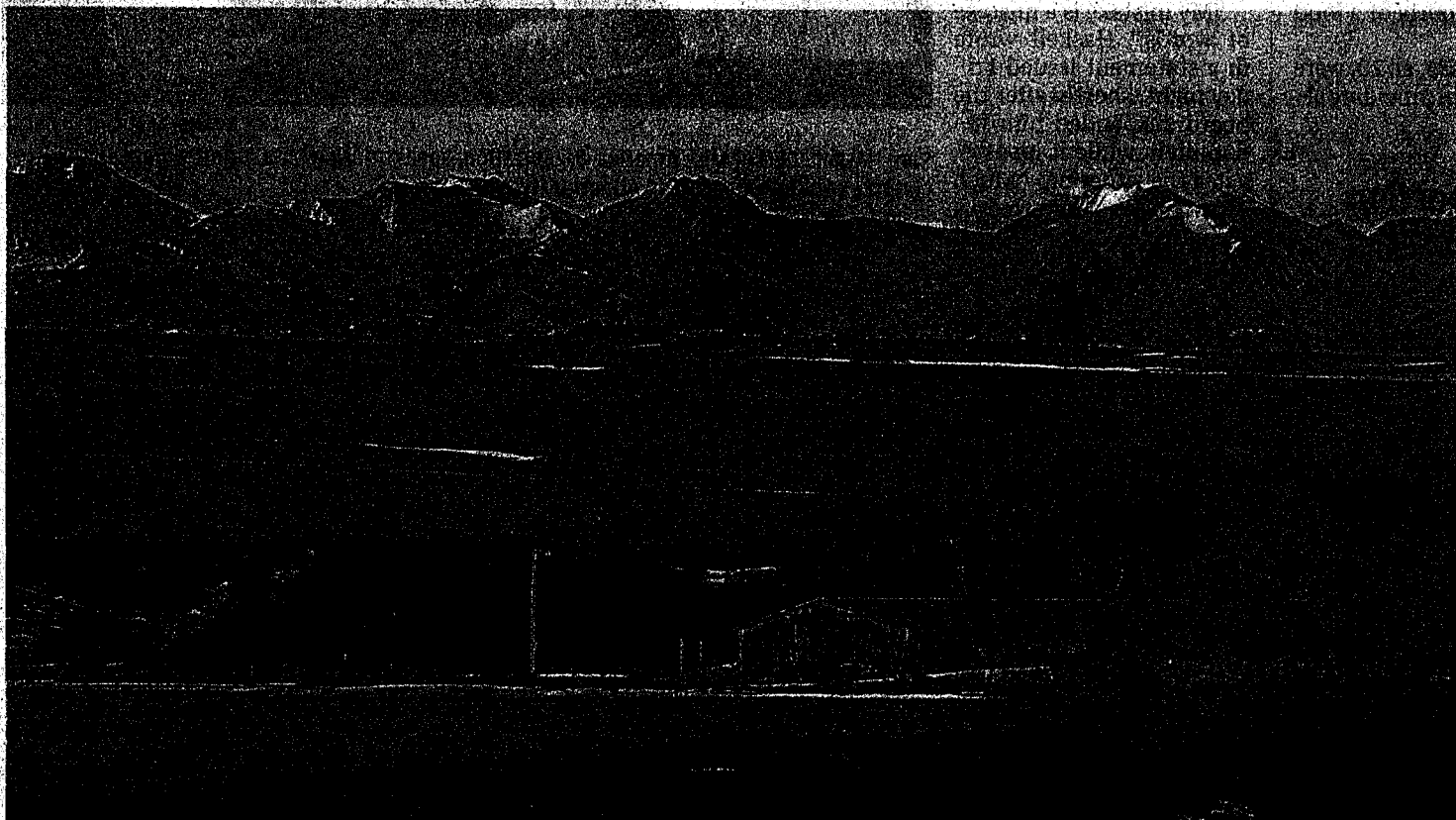


**MOSTLY CLOUDY 16 • 4** FORECAST, C10

**SATURDAY, DECEMBER 23, 2017**

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## PUBLIC VS. PRIVATE PROPERTY RIGHTS



CASEY PAGE, GAZETTE STAFF

The Crazy Mountains have been designated the No. 1 public access issue in Montana by three state groups advocating for greater access to public lands.

# Access issues intensify

## Top 5 threatened spots in Montana listed

**BRETT FRENCH**  
french@billingsgazette.com

Amid a bitter national debate over federal monuments, three Montana groups have banded together to focus attention on problems closer to home: loss of access to places like the Crazy Mountains and Upper Missouri River Breaks.

"Losing Ground, Montana's Endangered Access Report" lists the top five, most-high-profile places in the state where public access either has been lost or is threatened due to conflicts over historic rights of way, the groups wrote in a statement. The Crazy

Mountains were ranked No. 1.

"That's the one that's pretty scary," said Kathy Hadley, of Artemis Sportswomen. "That's a huge landscape of federal lands that's pretty inaccessible."

Artemis, a regional women-only hunting and fishing organization, added its voice to the report released Thursday along with Montana Mountain Mamas, a Bozeman-based group, and the Montana Wildlife Federation. The other highlighted areas in the state included the Flint Creek Mountains north of Anaconda, the Bears Paw Mountains south of Havre and McGregor Lake near Kalispell. A website provides more information on the areas and a television ad highlights the issue.

"These are places that have been clearly contested," said Nick Gevock, conservation director for the Montana Wildlife Federation. "I'm sure there are more out there."

## Contested

Public access to public lands has become an increasingly divisive issue in the past 20 years, often a result of native ranchers selling out to newcomers who close off what have long been publicly used routes. The road and trail closures require the public to sue to have the gates and signs removed.

Sometimes a federal, state or county agency or official will step in to add weight to the public's access claim, but those

cases seem to be the exception. In Montana, the small but dedicated Public Land/Water Access Association has long been the group carrying the banner for keeping public land easements open. Even then it can take years and thousands of dollars in attorney fees to litigate a case. In the meantime, access routes often remain closed to the public.

"There's so much of it going on that it's hard to keep track of it all," said Randy Newberg, host of the television hunting show "Fresh Tracks" and a public land access advocate who lives in Bozeman. "The future of hunting, fishing and shooting is dependent on access."

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## Access

From A1

Bozeman resident Becky Edwards, of the Mountain Mamas, said public access is also important to Montana women and their families and is a quality of life issue.

"Blocked public access is just one more barrier to getting our kids outdoors and unplugged from electronics," she said in a statement.

### Crazy access

The Crazy Mountains access issue has generated a lot of public interest over the past two years after a trespassing citation was issued to a hunter for using what he believed to be an historic forest trail. After the Bozeman hunter, Rob Gregoire, settled the case, the Livingston-based Forest Service supervisor, Alex Sienkiewicz, was temporarily removed from his post for an internal investigation.

Documents revealed landowners in the Crazy Mountains had complained to local and federal officials about Sienkiewicz's behavior. He was eventually reinstated, but the agency's tactics have had a chilling effect on an employee who had been a strong public land access advocate.

"Some worry that what's happening there may haringer what's to come on public land across the nation," wrote Christopher Solomon about the Crazy Mountains in a recent story for Outside magazine.

Newberg said the problem is partly rooted in the value attached to large landscapes and the wildlife that inhabit them. Once those features become valuable, people figure out how to make it their own, he said.

"I get to travel the West, and this same dynamic applies for every state I go to," Newberg said. "It's a uniquely American problem."

### National fuss

Actions by Montana's homegrown Secretary of the Interior, Ryan Zinke, have helped fuel statements like the one made by Solomon. Although touting Teddy Roosevelt as his conservation hero, Zinke has stoked concerns that such statements are only camouflage after he advocated for shrinking four national monuments and changing management at six others.

The announcement comes in the wake of several western states and some Montana legislators advocating that federal lands be returned to the states because they would be better managers. Many hunting and conservation groups have called those proposals a "land grab" that would result in the sale of federal lands to private individuals.

Because of such cues at the national level, the "Losing Ground"



BRETT FRENCH, GAZETTE STAFF

The North Fork of Sawmill Creek takes a sharp bend as it winds down a narrow canyon surrounded by sage and pine trees in the Upper Missouri River Breaks.

# Federal legislation introduced

Public lands have driven several federal legislative efforts recently that could affect Montana lands.

Sen. Steve Daines, R-Mont., stepped into the public lands limelight by proposing legislation to release 449,500 acres of Wilderness Study Areas in Montana in a bill titled the "Protect Public Use of Public Lands Act."

Montana Rep. Greg Gianforte voted for a bill that would rewrite the Wilderness Act to allow bicycles and other wheeled vehicles, along with mechanized wheelchairs, in wilderness areas.

Following the two announcements, the Montana Wilderness Association this week sounded its alarm.

"Montana's wild legacy is in jeopardy," the group said in an email. "We have to act boldly."

The group also said legislation in the House would "enable the current and future presidents to shrink any national monument they want" and could "make it virtually impossible for future presidents to designate any more national monuments."

Then on Wednesday, Sen. Jon Tester, D-Mont., an-

nounced that he is sponsoring the "Recreation Not Red-Tape Act."

"This bill will make government work better for folks who want to hunt, hike and explore our public lands," Tester said in a statement.

The legislation would:

- Allow land management agencies to expand recreational use of seasonal recreational lands during the offseason.
- Make special recreation permit applications for guides and outfitters available online; allow the National Parks and Federal Recreational Lands Pass to be available online.
- Create outdoor recreation metrics for the Forest Service and Bureau of Land Management to evaluate the performance of land managers
- Encourage the Armed Forces to provide information on outdoor recreation to service members and veterans, and strongly encourage land management agencies to hire veterans.

authors are calling on Montanans to lobby the Trump administration and their representatives to fully fund the Forest Service and Bureau of Land Management, who administer large chunks of public land. They also are calling for full funding of the Land and Water Conservation Fund, which helps states like Montana purchase lands for public use.

### New ways

As those programs and agencies have been repeatedly chopped, Newberg sees hope via other avenues.

"Some of the big lands initiatives, the money for those is less and less," he said. "That means we're going to have to raise more money from the nonprofit and private sector."

To that end, Montana Gov. Steve Bullock earlier this week announced the privately funded Montana Public Land Access

Network, or MT-PLAN. The network creates a mechanism for the state to take donations for creating or improving public land access via private easements and funding other projects to facilitate access, according to Tom Kuglin's Helena Independent Record story.

"I thought that was a pretty great step," Hadley said.

Livingston resident Erica Lighthiser, of Mountain Mamas, said there has been so much focus on public lands in the news lately that maybe there's a chance to encourage public advocacy for homegrown solutions.

"The diversity of people who care about public lands in Montana is pretty significant," she said. "I feel like there's a sense of hope in terms of what's happening in this state."

### Dialogue

Lighthiser sits on a group with

the Crazy Mountain Stockgrowers Association; the Forest Service; Fish, Wildlife and Parks; the Montana Department of Natural Resources and Conservation; and the Rocky Mountain Elk Foundation to discuss access problems in the Crazy Mountains. Although the group has been meeting since April, no concrete proposals have been proposed. Until an easement or right of way is agreed upon, the meetings have benefited the parties simply by increasing dialogue.

"Access starts at the local level," Hadley said. "It's a hard problem, and it's getting harder."

Newberg agreed, saying he has no answers but he remains hopeful.

"Conservation and access is never easy," he said. "It's never convenient, and it's never comfortable. No matter the position we advocate, somebody isn't going to like it."